

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 BANK OF AMERICA, N.A.,)

3:16-cv-00714-MMD-WGC

9 Plaintiff,)

ORDER

10 vs.)

Re: ECF No. 54

11 SILVER TERRACE II LANDSCAPE)
12 MAINTENANCE ASSOCIATION;)
13 RAVENSTAR INVESTMENTS, LLC;)
14 RONALD L. BRANDON; PHIL FRINK)
15 & ASSOCIATES, INC.; GAYLE A.)
16 KERN, LTD., dba KERN & ASSOCIATES,)
LTD.,)

Defendants.)

17 Before the court is the unopposed motion of Silver Terrace II Landscape Maintenance
18 Association to stay discovery in this action (ECF No. 54). The court is aware of the two pending
19 motions to dismiss (Silver Terrace, ECF No. 51; Kern & Associates, ECF No. 53). Plaintiff Bank of
20 America, N.A. (BANA) has responded to the two motions (ECF Nos. 55, 56). Not surprisingly, BANA
21 disagrees with the Silver Terrace and Kern arguments in their motions to dismiss. No replies have been
22 filed so the motions are not ripe for consideration by District Judge Miranda Du.

23 As the parties are presumably aware, literally hundreds of these “H.O.A. Foreclosure” cases are
24 pending on the docket of the Northern Division for the District of Nevada. In view of Judge Du’s
25 extremely congested docket, it is unlikely Judge Du will be able to address the pending motions (which
26 as noted above are not yet even ripe) in the immediate future. If, hypothetically, the motions were denied
27 and the parties were to then submit a Discovery Plan and Scheduling order, a discovery deadline would
28 likely not be established before fall of 2018 or even winter of 2019.

1 The court is not unsympathetic to the prospect of having to undertake discovery on a case which
2 might potentially be dismissed. On the other hand, the court does not view this case as being discovery
3 intensive. It is nonetheless the court's obligation to manage its docket and ensure this and other cases
4 do not languish. The Silver Terrace motion (ECF No. 54) is **DENIED**.

5 This court has previously entered a Scheduling Order (ECF No. 35). Under that order, the
6 deadline to complete discovery expired on August 28, 2017. The court recognizes, however, a stay of
7 all proceedings was entered by Judge Du on April 19, 2017 (ECF No. 48), and that stay was in effect
8 until July 13, 2017 (ECF No. 50). Therefore, the court will extend the existing deadlines, as follows:

- 9 • Discovery in this action shall be completed on or before **January 29, 2018**.
- 10 • Disclosures of expert testimony are due on or before **November 30, 2017**.
- 11 • Disclosure of rebuttal experts are due on or before **December 29, 2017**.
- 12 • Dispositive motions shall be filed and served no later than **February 28, 2018**.
- 13 • The Joint Pre-Trial Order shall be filed no later than **March 30, 2018**.
- 14 If a dispositive motion is filed, the Joint Pre-Trial Order shall be due **thirty (30)** days
15 after a decision on the dispositive motion.

16 **IT IS SO ORDERED.**

17 DATED: August 29, 2017.

18 
19 _____
20 WILLIAM G. COBB
21 UNITED STATES MAGISTRATE JUDGE
22
23
24
25
26
27
28